

BY ORDER OF THE  
SECRETARY OF THE AIR FORCE

DoDD 5105.4/AIR FORCE SUPPLEMENT  
30 JUNE 1999



***DoD FEDERAL ADVISORY COMMITTEE MANAGEMENT PROGRAM***

OPR: SAF/AA (Col. Bishop)

Certified by: SAF/AA (Col. Bishop)  
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This supplement implements and extends the policy of Department of Defense (DoD) Directive 5105.4, *DoD Federal Advisory Committee Management Program*, September 5, 1989. The DoD directive is printed word-for-word in **boldfaced type**, without editorial review. Air Force supplementary material is printed in regular type and indicated by "(AF)." This supplement describes Air Force responsibilities under the directive and establishes the Air Force requirement to support the national Federal Advisory Committee program.

Department of Defense  
**DIRECTIVE**

**NUMBER 5105.4**  
**September 5, 1989**

DA&M

**SUBJECT: Department of Defense Federal Advisory Committee Management Program**

**References:** (a) Public Law 92-463, "Federal Advisory Committee Act," October 6, 1972, Title 5, United States Code Annotated, Appendix 2  
(b) Title 41, Code of Federal Regulations, Part 101-6.10, General Services Administration Final Rule, "Federal Advisory Committee Management," December 2, 1987  
(c) DoD Directive 5105.18, "DoD Committee Management Program," March 20, 1984 (under revision)  
(d) DoD Directive 4205.2, "DoD Contracted Advisory and Assistance Services (CAAS)," January 27, 1986  
(e) DoD Directive 5500.7, "Standards of Conduct," May 6, 1987  
(f) Title 5, United States Code, Section 552b, "Government in the Sunshine Act"  
(g) DoD Directive 7750.5, "Management and Control of Information Requirements," August 7, 1986

## **1. PURPOSE**

**This Directive implements reference (a) by establishing policies and assigning responsibilities for the administration of the Federal Advisory Committee Act (FACA) within the Department of Defense.**

## **2. APPLICABILITY**

**This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "DoD Components"). For the OSD, the Director of Administration and Management (DA&M) is designated to carry out the functions and responsibilities of the component head.**

2.1. (Added)(AF) The Administrative Assistant in the Office of the Secretary of the Air Force will administer the Air Force Committee Management Program. The office of the Administrative Assistant is the Air Force Committee Management Office (CMO).

## **3. DEFINITION**

**3.1. Federal Advisory Committee. Any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or subgroup thereof (that is not composed wholly of full-time employees of the Federal Government), that is established by statute, or established or utilized by the President or any agency official for obtaining advice or recommendations.**

## **4. POLICY**

**4.1. Advisory committees shall be established and administered consistent with the FACA (reference (a)), the General Services Administration (GSA) Final Rule (reference (b)), and this Directive. They shall be established only when they are determined to be essential, and their number should be kept to an absolute minimum. Advisory committees shall be terminated when they are no longer carrying out the purpose for which they were intended.**

4.1.1. (Added)(AF) An advisory committee may be established to serve the Department of the Air Force, a single command or other Department of the Air Force activity, or serve such activities collectively, provided no advisory committee will be formed or utilized by any activity of the Department unless: (1) the committee is specifically authorized by law; or (2) the committee is specifically approved, in writing by the Secretary of Defense, to be in the public interest in connection with the performance of duties imposed on the Department of the Air Force or one of its subordinate activities.

**4.2. Committees, other than DoD Federal advisory committees, shall be established consistent with the provisions of DoD Directive 5105.18 (reference (c)).**

4.2.1. (Added)(AF) CHARTER. A charter is required for each advisory committee.

4.2.1.1. (Added)(AF) At a minimum, the charter must contain the following:

4.2.1.1.1. (Added)(AF) The committee's official designation

4.2.1.1.2. (Added)(AF) The committee's objectives and scope of its activities

4.2.1.1.3. (Added)(AF) The period of time necessary to carry out its purpose

4.2.1.1.4. (Added)(AF) The organization and official to which the committee reports

4.2.1.1.5. (Added)(AF) The organization responsible for providing the committee's necessary support

4.2.1.1.6. (Added)(AF) A description of duties for which the committee is responsible, and, if such duties are not solely advisory, specifically the authority for such non-advisory duties

4.2.1.1.7. (Added)(AF) The estimated annual operating costs in dollars and man-years

4.2.1.1.8. (Added)(AF) The committee's termination date, if less than 2 years from the date of the committee's establishment

4.2.1.1.9. (Added)(AF) The date the charter is filed

4.2.1.2. (Added)(AF) The establishing directive or law may serve as the charter if it contains those items listed in 4.2.1.1.1. through 4.2.1.1.9. above.

4.2.1.3. (Added)(AF) Advisory committee charters will endure for a 2-year period after which renewal is required. Enclosure 2 contains charter renewal dates. Renewal action will be accomplished by forwarding a copy of the charter with appropriate changes, if any, to SAF/AA prior to the 15th of the month prior to the renewal month. For those Federal Advisory Committees established by law, simply resubmit the original charter. If the law has changed, then submit a new charter reflecting that new law. Normally, all charter renewals occur during the same time period, every even year; thus, if a committee were established between renewal years, a charter renewal would be required even if the committee was in existence for 1 year.

4.2.1.4. (Added)(AF) No advisory committee will meet or take any action until its charter has been approved by the Office of the Secretary of Defense (OSD) and Office of Management and Budget (OMB). When forwarding requests for charter approvals, renewals, or changes, the required information will be forwarded no later than 45 days before the committee convenes or expires and will include the following information:

4.2.1.4.1. (Added)(AF) The nature and purpose of the committee

4.2.1.4.2. (Added)(AF) A statement that the approval, renewal, or change is necessary and in the public interest

4.2.1.4.3. (Added)(AF) The reasons for that determination

4.2.1.4.4. (Added)(AF) An explanation of why the committee's function(s) cannot be performed in-house or by an existing advisory committee

4.2.2. (Added)(AF) Composition of Interagency Committees. The Air Force will not establish, affiliate with, or participate in joint-DoD (including joint advisory) committees or international committees without the approval of the Offices of the Secretary of the Air Force and the Secretary of Defense.

4.2.2.1. (Added)(AF) These committees are any formally constituted committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or subgroup thereof, that is composed of officers or employees of more than one department or agency of the Government and that is organized to meet from time to time for purposes of formulating advice or recommendations, or for any other stated purpose.

4.2.2.2. (Added)(AF) Interagency committees may include a single representative for the entire DoD or several representatives from one or more of the military departments and other DoD components.

4.2.2.3. (Added)(AF) These committees include any advisory committee that had members from two or more Federal agencies in addition to the non-federal government members. It does not include joint-DoD, international and intra-Air Force committees.

#### **4.3. Excluded from coverage of the FACA are the following:**

**4.3.1. Any committee composed wholly of full-time employees of the Federal Government.**

**4.3.2. Any advisory committee exempted by an Act of Congress.**

**4.3.3. Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials.**

**4.3.4. Any committee established to perform primarily operational, as opposed to advisory, functions.**

**4.3.5. Any meeting initiated by the President or one or more Federal officials for obtaining advice or recommendations from one individual.**

**4.3.6. Any meeting initiated by one or more Federal officials with more than one individual for obtaining the advice of individual attendees and not for the purpose of utilizing the group to get consensus advice or recommendations.**

**4.3.7. Any meeting initiated by a group with the President or one or more Federal officials for expressing the group's view, provided that the President or Federal official(s) does not use the group recurrently as a preferred source of advice or recommendations.**

**4.3.8. Meetings of two or more advisory committee or subcommittee members convened solely to gather information or conduct research for a chartered advisory committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the advisory committee or a subcommittee of the advisory committee.**

**4.3.9. Any meeting with a group initiated by the President or one or more Federal officials for exchanging facts or information.**

**4.4. Advisory committees may not be established to make decisions, conduct agency operations, or perform functions that can be carried out by existing agency staffs.**

**4.5. Membership of each advisory committee shall be balanced in terms of the points of view represented and the functions to be performed. Committee sponsors shall develop criteria for membership consistent with committee requirements and document the reasons for membership selections.**

4.5.1. (Added)(AF) Submit initial applications by filling out a DD Form 2292, "Request for Appointment or Renewal of Appointment of Consultant or Expert" [available at: <http://web1.whs.osd.mil/icdhome/DDEFORMS.htm>] and an Optional Form 612, "Optional Application for Federal Employment" [available at: <http://www.opm.gov/forms/index.htm>]. A biography/resume combination may be submitted in lieu of an OF 612 in accordance with Enclosure 1. Members should not serve on two Federal Advisory Boards concurrently.

**4.6. Except when otherwise specified by the President or Congress, membership on DoD advisory committees must be approved by the Secretary of Defense, Deputy Secretary, or their designee. Individuals may not serve as advisory committee members for more than four years, unless an extension is approved by one of these officials.**

**4.7. All non-Federal Government advisory committee members must be appointed as individual consultants. These appointments must be made annually, consistent with enclosure E2. of DoD Directive 4205.2 (reference (d)).**

4.7.1. (Added)(AF) Non-Federal government advisory committee members must be appointed as consultants whether or not they receive compensation. Individual membership appointments must be re-accomplished annually even though the person may be approved for

advisory committee membership for a period longer than one year (see Enclosure 2). Annually, each committee member will submit a completed Office of Government Ethics (OGE) Form 450, "Financial Disclosure Report" through separate channels, [available at: <http://www.usoge.gov/usoge006.html> (then to "OGE Forms")].

4.7.1.1. (Added)(AF) Submit annual reappointments by filling out an updated DD Form 2292 and an OF 612 (or a biography/resume, in accordance with Enclosure 1).

4.7.1.2. (Added)(AF) Enclosure 2 contains the membership terms for existing Air Force Federal Advisory Committees. SAF/AA requires completed packages no later than 45 days prior to the first day of each term, (i.e., no later than 16 November for a 1 January term start date).

**4.8. Non-Federal Government advisory committee members shall be encouraged to serve without compensation. Before a committee member may be compensated, the head of the activity to whom the committee reports must certify that appointment of the member is essential to obtain the necessary balance or expertise and that, without compensation, the member is not available. Approvals for compensation shall be granted by the heads of the DoD Components or their designees.**

**4.9. Non-Federal Government advisory committee members being compensated at a basic rate of pay equal to, or greater than, General Schedule (GS) -16 (step 1), and expected to serve more than 60 days during a calendar year, must file Standard Form (SF) 278 (Executive Personnel Financial Disclosure report) prior to appointment. Other advisory committee members, including those serving without compensation, must file Defense Department (DD) Form 1555 (Confidential Statement of Affiliations and Financial Interests) prior to appointment. Further information on filing of financial disclosure reports by special government employees is contained in DoD Directive 5500.7 (reference (e)).**

**4.10. For each advisory committee, a Federal officer or employee shall be designated to approve or call each meeting, approve the agenda, attend each meeting, and adjourn meetings when he or she determines it to be in the public interest.**

**4.11. Timely notice of advisory committee meetings shall be published in the Federal Register and such meetings shall be open to the public.**

4.11.1. (Added)(AF) Notices of all meetings (closed or open) will be published in the Federal Register at least 15 days before the scheduled meeting date. The specific requirements and procedures for submitting meeting notices for publication are defined in Air Force Instruction 37-120, "Federal Register." If an emergency situation arises where a meeting notice must be published giving less than 15 days notice, the notice shall not be submitted for publication without advance approval of OSD and Air Force Committee Management Offices, and coordination with the Office of the Air Force General Counsel.

**4.12. The heads of DoD Components, or their designees, may close all or part of an advisory committee meeting to the public, in coordination with the cognizant general counsel, citing the appropriate provisions of 5 U.S.C. 552b (reference (f)) that justify the closure.**

**Determinations to close meetings shall be in writing and a summary of meeting activities shall be prepared.**

**4.13. Reports, records, and minutes of advisory committee meetings and other activities shall be maintained and/or submitted consistent with the FACA (reference (a)) and the GSA Final Rule (reference (b)).**

## **5. RESPONSIBILITIES**

**5.1. The Director of Administration and Management, Office of the Secretary of Defense (DA&M, OSD), shall:**

**5.1.1. Provide guidance on policies and procedures for the establishment and administration of DoD advisory committees.**

**5.1.2. Ensure that DoD advisory committees are established and administered consistent with references (a) and (b), and this Directive.**

**5.1.3. Designate a Committee Management Officer who shall carry out the policies contained in references (a) and (b), and this Directive.**

**5.1.4. Represent the Department of Defense and maintain liaison with the GSA and other Government Agencies on matters involving DoD advisory committees.**

**5.1.5. Periodically review the operations and records of DoD advisory committees for conformance to applicable laws, policies, and regulations.**

**5.1.6. Review annually the need to continue each existing advisory committee, consistent with the public interest and the intended purpose of the committee.**

**5.1.7. Review each advisory committee prior to the expiration of its two-year charter and determine the need for renewal, consistent with the provisions of Section 14 of the FACA (reference (a)).**

**5.1.7.1. (Added)(AF) An advisory committee whose duration is not otherwise fixed by law will terminate no later than 2 years after the date of its formation unless the Secretary of Defense has determined, prior to the expiration of such 2-year period, that its continued existence is in the public interest. A similar determination must be made to continue the existence of such a committee for each subsequent 2-year period thereafter.**

**5.1.8. Obtain reports and information on DoD advisory committees consistent with the FACA (reference (a)), the GSA Final Rule (reference (b)), this Directive, and DoD Directive 7750.5 (reference (g)).**

**5.2. The Heads of DoD Components, their designees, or OSD officials sponsoring advisory committees shall:**

**5.2.1. Ensure that DoD advisory committees under their cognizance are established and administered consistent with references (a) and (b), and this Directive.**

**5.2.2. Submit requests for establishment, revision, and notification of terminations of advisory committees to the DA&M.**

**5.2.3. Designate a Committee Management Officer to carry out assigned advisory committee responsibilities for the Component.**

**5.2.4. In coordination with the cognizant general counsel, make a determination, in writing, that all or part of an advisory committee meeting be closed to the public.**

**5.2.5. Approve compensation for non-Federal Government advisory committee members. For OSD, the DA&M shall be the approving authority.**

**5.2.6. Maintain information about the membership and activities of advisory committees under their cognizance, consistent with references (a) and (b), and this Directive.**

**5.2.7. Submit the reports required by references (a), (b), and (e) to the appropriate offices.**

## **6. EFFECTIVE DATE**

**This Directive is effective immediately.**

**DONALD J. ATWOOD**  
**Deputy Secretary of Defense**

**WILLIAM A. DAVIDSON**  
**Administrative Assistant**



(Added)(AF) Enclosure 1  
BIOGRAPHY FORMAT  
(Date of Biography should not be more than 6 months old)

PERSONAL DATA

Name/SSAN  
Name of University or Company  
Title  
Business Address  
Business Telephone  
Home Address  
Home Telephone  
Legal Voting Residence  
Date and Place of Birth  
Citizenship (if naturalized, give date)  
Marital Status  
Military Service  
Education (Degrees, Schools, Dates)

WORK EXPERIENCE

University or Company Assignments (Title, Organization,  
Dates, Type of Experience)  
Consultant Positions  
Membership on Boards or Committees  
Membership in Professional and Scientific Societies

PUBLICATIONS

**AUTHORITY:** Public Law 92-463, Federal Advisory Committee Act, 6 Oct 1972.

**PRINCIPAL PURPOSE:** The Office of the Secretary of Defense requires that biographical data be furnished on all non-Government personnel nominated to serve on advisory committees. The biographical information is reviewed to assure that proposed nominees are qualified to serve on the committee.

**ROUTINE USE:** Biographical information is retained for record purposes on individuals approved for service on a committee, upon termination of such services the biographical information is destroyed

**DISCLOSURE IS VOLUNTARY:** Disclosure of any information is voluntary; however, failure to provide the information will disqualify any proposed nominee.

**PRIVACY ACT STATEMENT-BIOGRAPHY FORMAT (AF Sup to DoDD 5104.5)**

(Added)(AF) Enclosure 2  
Air Force Federal Advisory Committees:  
Charter Dates and Membership Terms

<u>Committee</u>	<u>Charter Date*</u>	<u>Membership Term**</u>
Air University Board of Visitors	28 Feb Every Even Year	1 Jan -31 Dec Every Year
Community College of the Air Force Board of Visitors	28Feb Every Even Year	1Jul-30 Jun Every Year
Scientific Advisory Board	28 Feb Every Even Year	1Oct -30 Sep Every Year
United State Air Force Academy Board of Visitors	1 Oct Every Even Year	As Prescribed By Title X, Section 9355

\* “Charter Date” refers to the approved biennial period of charter coverage (see para 4.2.1.3. above).

\*\* “Membership term” refers to the annually approved period of member employment (see para 4.7.1.2. above). It does not refer in any way to the period of time over which any member may serve on any one committee.